

Appl. No. 10/726,174  
Response Dated July 3, 2006  
Reply to Office action dated April 4, 2006

**REMARKS/ARGUMENTS**

Applicants have received and carefully reviewed the Office Action of the Examiner mailed April 4, 2006. Claims 1-25, 27-28, 31-46, 48-49 and 52-70 remain pending. Claims 26, 29-30, 47 and 50-51 have been canceled without prejudice, and claims 71-72 have been added. Reconsideration and reexamination are respectfully requested.

**Section 112 Rejection**

In paragraph 4 of the Office Action, the Examiner rejected claim 49 under 35 U.S.C. § 112, second paragraph, because it depends from cancelled claim 47. Claim 49 has been amended to depend from claim 33.

**Claim Objections**

In paragraph 14 of the Office Action, the Examiner objected to claims 23, 30-32, 51-52 and 62-65 as being dependent from a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent claim 1 has been amended to be similar to previously presented claims 1/30, and claim 30 has been canceled without prejudice. Independent claim 1 and dependent claims 2-25, 27-28 and 31-32 are all believed to be in condition for allowance.

Independent claim 33 has been amended to be similar to previously presented claims 33/51, and claim 51 has been canceled without prejudice. Independent claim 33 and dependent claims 34-46, 48-49 and 52 are all believed to be in condition for allowance.

Independent claim 53 has been amended to include a similar element to that expressed in dependent claim 30. Independent claim 53 and dependent claims 54-59 are all believed to be in condition for allowance.

For similar and other reasons, claims 60-72 are also believed to be in condition for allowance.

Appl. No. 10/726,174  
Response Dated July 3, 2006  
Reply to Office action dated April 4, 2006

Claim Rejections

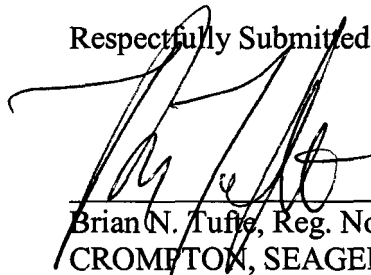
In paragraph 8 of the Office Action, claims 1-3, 5-14, 16-22, 25, 33-40, 42-43, 45-46, 53-54, 57, 59 and 70 were rejected as being anticipated by Hoog et al. (2004/0193324). In paragraph 9 of the Office Action, claims 15, 41 and 44 were rejected as being unpatentable over Hoog et al. in view of Cottrell. In paragraph 11 of the Office Action, claims 1-3, 5-6, 8-12, 14, 16-19, 24, 33-40, 42, 53-54, 57, 60-61 and 70 were rejected as being anticipated by Braeburn Model 5000 owners manual. In paragraph 12 of the Office Action, claims 1-6, 8-14, 16-19, 24, 27-28, 33-40, 42, 48-49, 53-58, 60-61 and 68-70 were rejected as being anticipated by Rite Temp 8082. In paragraph 13 of the Office Action, claims 66-67 were rejected as being unpatentable over Rite Temp 8082.

After carefully reviewing the Office Action and the cited prior art, Applicants respectfully disagree with all of the above-rejections made by the Examiner. However, to expedite the issuance of the objected to claims, Applicants have elected to amend the claims as described in the Claim Objection section above. Applicants believe this should place all pending claims in condition for allowance. Applicants reserve the right to file a continuation application directed at the rejected claims for further consideration by the Examiner.

It is submitted that, in light of the above, all pending claims 1-25, 27-28, 31-46, 48-49 and 52-70 are in condition for allowance. Reconsideration and reexamination are respectfully requested. If a telephone interview would be of assistance, please contact the undersigned attorney at 612-359-9348.

Appl. No. 10/726,174  
Response Dated July 3, 2006  
Reply to Office action dated April 4, 2006

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Brian N. Tufte', is written over a horizontal line.

Brian N. Tufte, Reg. No. 38,638  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, Minnesota 55403-2420  
Telephone: 612-677-9050  
Facsimile: (612) 359-9349

Date: July 3, 2006